# 

# CHINA REPORT INTELLECTUAL PROPERTY

**20**10年2月24日 February 24, **20**10

星期三出版 Published on Wednesday

中文主编:吴 辉 Chinese Editor-in-Chief: Wu Hui

英文审校:吴 殷 English Reviser: Wu Yin

#### UNUMBERS

#### 560,000

China's first survey on intangible cultural heritages was concluded recently. It has investigated nearly 560,000 such items.

#### 56 万项

中国首次非物质文化遗产普 查工作近日基本结束,已查明"非 遗"资源总量近56万项。

In 2009, patent grants in Beijing saw a rise of 29.1% due to development of IPR service system in the city. Benefiting from the measures on animation and online games industry, revenue of creative industry increased by 11.2%.

#### 29.1%

2009年,北京市知识产权服 务体系得到了进一步完善, 专利 授权量增长 29.1%;同时完善促进 了影视动画、网络游戏等产业发 展的政策措施, 文化创意产业增 长 11.2%。

#### 230,000

Eleven PCT applications in Henan were funded with 230,000 yuan in 2009, with a maximum of 70,000 yuan for a single PCT application.

#### 23 万元

2009年,河南省共有11件 PCT 申请获得 23 万元中央财政 资助,其中单项获得最高资助资 金达7万元。

Some 204 copyright transacin 2009, up 22.16% over last year. It sealed 153 agreements for inbound destinations, up 21.43%, and 51 for outbound ones, up 64.52%

#### 204 项

2009年, 重庆全市新闻出版 单位开展版权贸易 204 项,比去 年同比增长22.16%。版权贸易共 引进图书版权 153 项, 同比增长 21.43%, 输出 51 项, 同比增长 64.52%.

#### 8.289 billion

In 2009, Yibin (Sichuan) commercialized 83 patent projects, earned 8.289 billion yuan, up 15.2%, paid 760 million yuan in taxes and earned 340 million

#### 82.89 亿元

最新统计显示,2009年,四川 省宜宾市新增实施转化专利技术 83 件,新增销售收入 82.89 亿元, 同比增长 15.2%,新增利税 7.6 亿 元,创汇3.4亿美元。

#### 5.3 billion

Chengdu national new energy and Hi-Tech industrialization base is shaping well. In 2009, it earned 5.3 billion yuan, up 83.7%, ranking No.1 among the top 100 counties.

#### 53 亿元

目前,成都国家新能源装备 高新技术产业化基地已初具规 模。2009年,基地全年实现新能源 产业产值53亿元,同比增长 83.7%, 位居 2009 年中国新能源 产业百强县榜首。

责任编辑	安 雷
Executive Editor	An Lei
实习编辑	柳 鹏
Practice Editor	Liu Pena

# SAIC oks 61 Shanghai Expo symbols filing

# 61件上海世博会标志备繁申请被核准

s of now, the Trademark Office under the State Administrations for Industry and Commerce (SAIC) has approved 61 Expo symbols filing submitted by Bureau of Shanghai World Expo Coordination, including 52 pieces of word marks and 9 figurative marks.

The registered Shanghai Expo symbols are, the name, symbol and others of 2010 Shanghai World Expo candidate organization, that of Expo organization, the name, symbol, flag, mascot, anthem, words and slogans of 2010 Shanghai

World Expo, and the flag of the International Exhibition Bureau as

The Regulation on the Protection of World Expo Logo Marks became effective on December 1, 2004, and the Measures for the Deposit of World Expo Logo was also released by SAIC on December 24, 2004, providing a legal backing to Expo filing.

(by Zhang Haizhi/Hu Man) 本报讯 记者近日从中国国家 工商行政管理总局商标局获悉,截 至目前,已核准上海世博会事务协 调局提交的 61 件世博会标志备案

申请,其中文字标志 52 件,图形标 志9件。

据了解,现已备案的世博会标 志包括:中国 2010 年上海世界博览 会申办机构的名称、徽记或者其他 标志;中国 2010 年上海世界博览会 组织机构的名称、徽记或者其他标 志;中国 2010 年上海世界博览会的 名称、会徽、会旗、吉祥物、会歌、主 题词、口号;国际展览局的局旗。

据悉,2004年12月1日,《世界 博览会标志保护条例》开始施行,中 国国家工商总局于同年 12 月 24 日 正式下发了《世界博览会标志备案 办法》,为上海世博会标志备案提供 (张海志 胡 嫚)





#### EXPRESS

### Beijing Court: CHAMPAIGN not infringing CHAMPAGNE's prior right

## "CHAMPAIGN" 商标纠纷一审审结

eijing No.1 Intermediate People's Court recently ruled in favor of Guangzhou Yuanye Cosmetics Company in a trademark dispute case. The first instance court denied the Comite Interprofessionnel Du Vin De Champagne (CIVC)'s request for revoking the registration of

CHAMPAIGN on Class 3 goods. The Guangzhou Yuanye Company acquired the registration of the trademark in question in April 2002, certified for use on Class 3 goods, cosmetics and perfume. CIVC then sought rejection of registration in July 2002 on the ground of its similarity between CHAMPAIGN and CHAMPAGNE that may lead confusion to consumers.

court held, though The CHAMPAGNE was protected in China as a geographical indication, the CHAMPAIGN in question means plain or field in Chinese, and the registration of CHAM-PAIGN would not infringe prior right of CHAMPAGNE in China

and cause public confusion. So or-

(by Yang Qiang/Zhou Bo) 本报讯 记者从北京市第一中 级人民法院了解到,该院日前一审审 结了一起商标纠纷案,案件原告法国 香槟酒行业委员会要求撤销 "CHAMPAIGN"商标在第3类商品 上注册的请求未能得到法院支持。

据悉,上述争议商标系广州原野 化妆品有限公司(以下简称广州原野 公司)于2002年4月经注册取得,被 核定使用的商品为化妆品、香水等。 法国香槟酒行业委员会于 2002 年 7 月就该商标注册提出撤销申请。其理 由为, "CHAMPAIGN"商标与其知 名通用名"CHAMPAGNE(香槟)"为 同源同义词,其作为化妆品商标的使 用会造成相关公众误认。

北京市一中院依法审理认为, "CHAMPAGNE"虽应当作为地理标 志在我国给予保护, 但是争议商标 "CHAMPAIGN"的中文含义为"平 原、原野",因此,"CHAMPAIGN"商 标的注册不会损害"香槟"地理标志 在我国所拥有的在先权利,亦不会导 致相关公众混淆或误认,并据此作出

(杨强周波)



本报记者 张子弘 摄影报道

#### SPC adjusts jurisdiction over IPR civil cases

# 最高法调整一审知识产权民事案件管辖标准

he Supreme People's Court (SPC) recently released a Circular on Adjusting the Standard for Jurisdiction of Local Courts over the Trial of First Instance of IPR Civil Cases, effective from February 1.

According to the Circular, SPC has jurisdiction over the trial of IPR civil cases with the subject matter of action at a value of over 200 million yuan, and the trial of case where the place of domicile of one party is outside its territorial jurisdiction or involving parties from foreign country, Hong Kong, Macao or Taiwan with size of litigation over 100 million yuan.

The local court determined by SPC has the jurisdiction over the trial of the cases with size of litigation less than 5 million yuan, and the trial of case where the place of one party is inside the territorial jurisdiction of the higher or intermediate people's court with value of at least 5 million yuan or not less than 10 million yuan. As of now, SPC has delegated the power to 92 local courts.

(by Wei Xiaomao) 本报讯 日前,最高人民法院 下发了《关于调整地方各级人民法 院管辖第一审知识产权民事案件标 准的通知》,规定自2月1日起生

该规定指出,高级人民法院管 辖诉讼标的额在2亿元以上的第一 审知识产权民事案件, 以及诉讼标 的额在1亿元以上且当事人一方住 所地不在其辖区或者涉外、涉港澳 台的第一审知识产权民事案件。

根据规定, 经最高人民法院指 定具有一般知识产权民事案件管辖 权的基层人民法院,可以管辖诉讼 标的额在 500 万元以下的第一审一 般知识产权民事案件,以及诉讼标 的额在 500 万元以上 1000 万元以下 且当事人住所地均在其所属高级或 中级人民法院辖区的第一审一般知 识产权民事案件。截至目前,最高人 民法院已经指定了92个基层人民 法院具有一般知识产权民事案件管 (魏小毛)

# IP CHINR'S IP MANUAL

### Circular on implementing IPR strategy of SMEs

## 《关于实施中小企业知识产 权战略推进工程的通知》

n an effort to deal with international financial crisis, promote small and medium sized enterprises' (SMEs) capability of creation, application, protection and management of IPRs, accelerate the development of SMEs with self-reliant IPRs, famous brand and competitiveness, SIPO and Ministry of Industry and Information jointly released a Circular on Implementing IPR Strategy of SMEs.

According to the Circular, improve their IPR awareness, conduct IPR training, establish IPR service system, improve the IPR protection mechanism for SMEs cluster area and create a favorable environment for innovation, creation and application of IPR.

为应对国际金融危机影响,提 升中小企业知识产权创造、运用、保 护和管理能力,加快培育拥有自主 知识产权、知名品牌和较强竞争力 的中小企业,日前,中国国家知识产 权局、工业和信息化部联合发布《关 于实施中小企业知识产权战略推进 工程的通知》。

《通知》指出,提升中小企业知识 产权意识;开展中小企业知识产权培 训;开展自主知识产权优势中小企业 培育工作;建立中小企业知识产权服 务支撑体系;建立和完善中小企业集 聚区知识产权保护机制,营造有利于 中小企业技术创新、知识产权创造与 运用的良好外部环境。

#### Chinese Customs seizes 40 million infringing cargos in 2009

# 去年中国海关查获侵权货物 4000 余万件

General Administrations Customs (GAC) has stepped up IPR protection in an effort to maintain China's foreign trade order and help domestic company to explore international market. In 2009, the Customs nationwide seized 181 million pieces of infringing goods in 65,192 cargos worth of 370 million yuan. Among which, 47.071 million pieces in 482 cargos were IPR infringing goods, involving a total value of 40.923 million yuan.

(by Wei Xiaomao) 本报讯 记者日前从海关总署 获悉,为了维护中国进出口贸易的 正常秩序,促进中国自主品牌企业

开拓国际市场,中国海关在口岸进 出口环节加大知识产权保护力度。 2009 年全国海关共扣留侵权嫌疑货 物 6.5192 万批,涉及侵权嫌疑货物 **1.81** 亿件,价值人民币 **3.7** 亿元。其 中共查获侵犯自主知识产权货物 482 批,涉案货物 4707.1 万件,价值 人民币 4092.3 万元。

(魏小毛)